Attorney Docket No. P67758US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Jan BIESCHKE et al.

Serial No. 10/089,233

Filed March 28, 2002

For QUANTITATIVE ANALYSIS AND TYPING OF SUBCELLULAR PARTICLES

CONSENT OF ASSIGNEE UNDER 37 CFR 1.497(d)(3)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

By its duly authorized, undersigned representatives, Evotec OAI AG, a corporation of Germany, assignee of the instant application pursuant to an Assignment from inventor Manfred Eigen recorded on March 20, 2003, in the PTO at Reel/Frame 013864/0456, consents in accordance with 37 CFR 1.497(d)(3) to the filing of the inventorship declaration, concurrently herewith, under 35 USC 371(c)(4) and 37 CFR 1.497, which inventorship declaration names an inventive entity different from the inventive entity set forth in international application PCT/EP00/09648, filed September 28, 2000.

Evotec OAI AG

November 19, 2003
Date

By: ppa. M. Leimkühler

(Name) Dr. M. Leimkühler

(Title) Head of I.P.

11/19/2003
Date

By: ppa. C. V. Spiegel

(Name) Christian V. Spiegel

(Title) Head of Legal

R:\rthomas\2003\AUGUST\P67758US0 consent.wpd

ALL PATENTS, INCLUDING DESIGN
FOR APPLICATION BASED ON PCT; PARIS CONVENTION;
NON PRIORITY; OR PROVISIONAL APPLICATIONS

AND POWER OF ATTORNEY
U.S.A.

Rec'd PCT/PTO 02 FEB 2004
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(1)

101 / 102

QUANTITATIVE ANALYSIS AND TYPING OF SUBCELLULAR PARTICLES

which is described and claimed in:

☒ PCT International Application No. PCT/EP00/09468 filed SEPTEMBER 28, 2000

☐ the attached specification

☒ the specification in application Serial No. 10/089,233 filed MARCH 28, 2002

(if applicable) and amended on

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.
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100 14 234.6 (Number)	GERMANY (Country)	22 MARCH 2000 (Day/Month/Year Filed)	☒ Yes	☐ No
(Number)	(Country)	(Day/Month/Year Filed)	☐ Yes	☐ No

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Application No. _____ Filing Date _____ Application No. _____ Filing Date _____

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SEND CORRESPONDENCE TO: CUSTOMER NO. 00136 or JACOBSON HOLMAN PROFESSIONAL LIMITED LIABILITY COMPANY 400 SEVENTH STREET, N.W. WASHINGTON, D.C. 20004	DIRECT TELEPHONE CALLS TO: (please use Attorney's Docket No.) (202) 638-6666 JACOBSON HOLMAN PROFESSIONAL LIMITED LIABILITY COMPANY

*Inventor(s) name must include at least one unabbreviated first or middle name.

201	FULL NAME * OF INVENTOR	FAMILY NAME: BIESCHKE	GIVEN NAME: JAN	MIDDLE NAME:	
	RESIDENCE & CITIZENSHIP	CITY: San Diego	STATE OR FOREIGN COUNTRY: CA USA	COUNTRY OF CITIZENSHIP: GERMANY	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS: 7505 Charmant Drive #1610	CITY: San Diego	STATE OR COUNTRY: USA	ZIP CODE: CA 92122
202	FULL NAME * OF INVENTOR	FAMILY NAME: GIESE	GIVEN NAME: ARMIN	MIDDLE NAME:	
	RESIDENCE & CITIZENSHIP	CITY: MUNICH	STATE OR FOREIGN COUNTRY: GERMANY	COUNTRY OF CITIZENSHIP: GERMANY	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS: HERMANN-HAHN-PLATZ 7	CITY: MUNICH	STATE OR COUNTRY: GERMANY	ZIP CODE: 81477
203	FULL NAME * OF INVENTOR	FAMILY NAME: EIGEN	GIVEN NAME: MANFRED	MIDDLE NAME:	
	RESIDENCE & CITIZENSHIP	CITY: GOETTINGEN	STATE OR FOREIGN COUNTRY: GERMANY	COUNTRY OF CITIZENSHIP: GERMANY	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS: c/o Max-Planck-Institut for Biophysical Chemistry Am Faßberg	CITY: GOETTINGEN	STATE OR COUNTRY: GERMANY	ZIP CODE: 37077

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201*	SIGNATURE OF INVENTOR 202*	SIGNATURE OF INVENTOR 203*
DATE 05.11.02	DATE	DATE

JACOBSON HOLMAN PLLC
ADDITIONAL INVENTORS

Rec'd PCT/PTO 02 FEB 2004

* Inventor(s) name must include at least one unabbreviated first or middle name.

204	FULL NAME * OF INVENTOR	FAMILY NAME KRETZSCHMAR	GIVEN NAME HANS	MIDDLE NAME A.	
	RESIDENCE & CITIZENSHIP	CITY WOLFRATSHAUSEN	STATE OR FOREIGN COUNTRY GERMANY	COUNTRY OF CITIZENSHIP GERMANY	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS NELKENWEG 5a	CITY WOLFRATSHAUSEN	STATE OR COUNTRY GERMANY	ZIP CODE 82515
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☐ Additional inventors are named on separately numbered sheets attached hereto.

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DATE	DATE 04 November 2003	DATE

Rec'd PCT/PTO 02 FEB 2004

JACOBSON HOLMAN PLLC

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DATE	DATE	DATE Nov. 10th 2003

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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 204 *	SIGNATURE OF INVENTOR 205 *	SIGNATURE OF INVENTOR 206 *
DATE	DATE	DATE
SIGNATURE OF INVENTOR 207 *	SIGNATURE OF INVENTOR 208 *	SIGNATURE OF INVENTOR 209 *
DATE	DATE	DATE
SIGNATURE OF INVENTOR 210 *	SIGNATURE OF INVENTOR 211 *	
DATE	DATE	

□ Additional inventors are named on separately numbered sheets attached hereto.

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JCH-5/03-100A

ALL PATENTS, INCLUDING DESIGN
FOR APPLICATION BASED ON PCT; PARIS CONVENTION;
NON PRIORITY; OR PROVISIONAL APPLICATIONS

AND POWER OF ATTORNEY
U.S.A.

ATTORNEYS' DOCKET NO.
P67758US0

Rec'd PCT/PTO 02 FEB 2004

As a below named inventor, I declare that my residence, post office address and citizenship are stated below next to my name, the information given herein is true, that I believe that I am the original, first and sole inventor (if only one name is listed at 201 below), or an original, first and joint inventor (if plural inventors are named below at 201-203, or on additional sheets attached hereto) of the subject matter which is claimed and for which patent is sought on the invention entitled:

101

QUANTITATIVE ANALYSIS AND TYPING OF SUBCELLULAR PARTICLES

102

which is described and claimed in:

☐ the attached specification

☒ PCT International Application No. PCT/EP00/09468 filed SEPTEMBER 28, 2000

☒ the specification in application Serial No. 10/089,233 filed MARCH 28, 2002

(if applicable) and amended on

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.
I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.
I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
199 46 546.0 (Number)	GERMANY (Country)	28 SEPTEMBER 1999 (Day/Month/Year Filed)	☒ Yes	☐ No
100 14 234.6 (Number)	GERMANY (Country)	22 MARCH 2000 (Day/Month/Year Filed)	☒ Yes	☐ No
103 (Number)	(Country)	(Day/Month/Year Filed)	☐ Yes	☐ No

104

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Application No. _____ Filing Date _____ Application No. _____ Filing Date _____

105

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) (Filing Date) (Status: patented, pending, abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys (Registration No.) to prosecute this application, receive and act on instructions from my agent, and transact all business in the Patent and Trademark Office connected therewith. HARVEY B. JACOBSON, JR. (20,851); JOHN CLARKE HOLMAN (22,769); MARVIN R. STERN (20,640); ALLEN S. MELSER (27,215); MICHAEL R. SLOBASKY (26,421); JONATHAN L. SCHERER (29,851); IRWIN M. AISENBERG (19,007); WILLIAM E. PLAYER (31,409); YOON S. HAM (45,307) and NATHANIEL A. HUMPHRIES (22,772)

SEND CORRESPONDENCE TO: CUSTOMER NO. 00136 or **JACOBSON HOLMAN** PROFESSIONAL LIMITED LIABILITY COMPANY 400 SEVENTH STREET, N.W. WASHINGTON, D.C. 20004	DIRECT TELEPHONE CALLS TO: (please use Attorney's Docket No.) (202) 638-6666 **JACOBSON HOLMAN** PROFESSIONAL LIMITED LIABILITY COMPANY

*Inventor(s) name must include at least one unabbreviated first or middle name.

201	FULL NAME * OF INVENTOR	FAMILY NAME: BIESCHKE	GIVEN NAME: JAN	MIDDLE NAME:	
	RESIDENCE & CITIZENSHIP	CITY: San Diego	STATE OR FOREIGN COUNTRY: USA	COUNTRY OF CITIZENSHIP: GERMANY	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS: 7505 Charmant Drive #1610	CITY: San Diego	STATE OR COUNTRY: USA	ZIP CODE: CA 92122
202	FULL NAME * OF INVENTOR	FAMILY NAME: GIESE	GIVEN NAME: ARMIN	MIDDLE NAME:	
	RESIDENCE & CITIZENSHIP	CITY: MUNICH	STATE OR FOREIGN COUNTRY: GERMANY	COUNTRY OF CITIZENSHIP: GERMANY	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS: HERMANN-HAHN-PLATZ 7	CITY: MUNICH	STATE OR COUNTRY: GERMANY	ZIP CODE: 81477
203	FULL NAME * OF INVENTOR	FAMILY NAME: EIGEN	GIVEN NAME: MANFRED	MIDDLE NAME:	
	RESIDENCE & CITIZENSHIP	CITY: GOETTINGEN	STATE OR FOREIGN COUNTRY: GERMANY	COUNTRY OF CITIZENSHIP: GERMANY	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS: c/o Max-Planck-Institut for Biophysical Chemistry Am Faßberg	CITY: GOETTINGEN	STATE OR COUNTRY: GERMANY	ZIP CODE: 37077

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201*	SIGNATURE OF INVENTOR 202*	SIGNATURE OF INVENTOR 203*
DATE	DATE	DATE

JACOBSON HOLMAN PLLC

ADDITIONAL INVENTORS

* Inventor(s) name must include at least one unabbreviated first or middle name.

204	FULL NAME * OF INVENTOR	FAMILY NAME KRETZSCHMAR	GIVEN NAME HANS	MIDDLE NAME A.	
	RESIDENCE & CITIZENSHIP	CITY WOLFRATSHAUSEN	STATE OR FOREIGN COUNTRY GERMANY DEX	COUNTRY OF CITIZENSHIP GERMANY	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS NELKENWEG 5a	CITY WOLFRATSHAUSEN	STATE OR COUNTRY GERMANY	ZIP CODE 82515
205	FULL NAME * OF INVENTOR	FAMILY NAME	GIVEN NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE
206	FULL NAME * OF INVENTOR	FAMILY NAME	GIVEN NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE
207	FULL NAME * OF INVENTOR	FAMILY NAME	GIVEN NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE
208	FULL NAME * OF INVENTOR	FAMILY NAME	GIVEN NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE
209	FULL NAME * OF INVENTOR	FAMILY NAME	GIVEN NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE
210	FULL NAME * OF INVENTOR	FAMILY NAME	GIVEN NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE
211	FULL NAME * OF INVENTOR	FAMILY NAME	GIVEN NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
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SIGNATURE OF INVENTOR 204 * [signature]	SIGNATURE OF INVENTOR 205 *	SIGNATURE OF INVENTOR 206 *
DATE 3 November 2003	DATE	DATE
SIGNATURE OF INVENTOR 207 *	SIGNATURE OF INVENTOR 208 *	SIGNATURE OF INVENTOR 209 *
DATE	DATE	DATE
SIGNATURE OF INVENTOR 210 *	SIGNATURE OF INVENTOR 211 *	
DATE	DATE	

☐ Additional inventors are named on separately numbered sheets attached hereto.

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